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*Filed Via ECF*

The Honorable Brian M. Cogan  
United States District Court Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Zapoint, Inc. v. Sovereign Bank*  
(11-CV-4241) (BMC)

Dear Judge Cogan:

We represent Sovereign Bank in the above noted matter and write in response to Evan S. Rothfarb's, plaintiff Zapoint, Inc.'s counsel, letter to the Court, dated October 5, 2010. Sovereign Bank does not object to Mr. Rothfarb's request for an adjournment of the Initial Status Conference scheduled for Tuesday, October 18, 2011. If the Court is amenable to that request, we would ask that the Court propose some new dates for the Initial Status Conference so that counsel can confer with each other and their schedules. A phone message was left for Mr. Rothfarb on October 7, 2011 regarding accepting service for Sovereign Bank.

With regard to Plaintiff's September 1, 2011 request for waivers of service of process, in light of the fact that the complaint, dated September 1, 2011, was facially deficient for numerous reasons, and in light of the Court's September 2, 2011 minute order, which suggested, among other things, that a new pleading might be in order, Sovereign Bank declined the waiver in anticipation of a new pleading, which was filed on September 20, 2011.

Respectfully submitted,

/s/ Mathew B. West  
Mathew B. West

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